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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,323	03/02/2004	Edward Aloysius Fitzgerald	309.030	1825
23598	7590	01/28/2008		
BOYLE FREDRICKSON S.C. 840 North Plankinton Avenue MILWAUKEE, WI 53203			EXAMINER ROMAN, LUIS ENRIQUE	
			ART UNIT 2836	PAPER NUMBER
			NOTIFICATION DATE 01/28/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

**Supplemental  
Notice of Allowability**

Application No.

10/791,323

Examiner

Luis Roman

Applicant(s)

FITZGERALD ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/14/07.
2. ☒ The allowed claim(s) is/are 1, 4, 7 and 15-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

**DETAILED ACTION**

***Examiner's amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Stomma on 11/19/07.

Claim 4 was dependent on claim 3 now cancelled.

The amendment authorized by applicant's attorney as follow.

Claim 4 (amended) The device of claim 3 1 wherein the driver includes a timing device for closing the first solid state switch for a predetermined time period.

***Reasons for Allowance***

Examiner acknowledges a submission of the amendment filled on 0814/07. Accordingly claims 8-11, 16-17 & 19-21 have been kept original, claims 12 & 18 have been amended, claims 7, 15 & 22 have been previously presented and no new claims were added. It also included remarks/arguments.

The following is an examiner's statement of reasons for allowance.

**Claims 1, 12 & 18:** the closest references are: "Relay Contact Protective Circuit", Hongel US Patent 4959746, issued on September 25, 1990, "Passive Bipolar Arc Control System And Method", Sellers US Patent 6863789, issued on March 08, 2005 & "Electronic Speed Control System For A Fluid Operated Disc Clutch", E. D. Long, issued on April 08 1969.

These patents disclose:

- Hongel discloses a device for preventing arcing between contacts (Fig. 4 element 10B) of a switching device as the contacts of the switching device are opened, the switching device including a coil (Fig. 4 element 10A) for controlling the opening of the contacts, the device comprising: a coil suppression circuit (Fig. 4 elements 242, 244) connected in parallel with the coil, the coil suppression circuit dissipating the energy stored in the coil in response to the de-energizing of the coil (Col. 12 lines 38-41); a driver (Fig. 4 elements 250-300, 250-302) having an input operatively connected to the anode of the Zener diode (Fig. 4 elements 250-300, 250-302 <paths: anode of 242, 262, 282, base of 266 & 242, 262, 284, base of 274>) and an output (Fig. 4 elements 300<Q> & 302<Q>); and a first solid state switch having a gate operatively connected to the output of the driver (Fig. 4 element 26left<G> connected to 300<Q> & 302<Q>) and being connected in parallel with the contacts (Fig. 4 elements 26left, 10B), the first solid state switch movable between an open position preventing the flow of current there through and a closed position (Col. 4 lines 63-68 & Col. 5 lines 1-3); wherein the driver closes the first solid state switch in response to a reference voltage across the first Zener diode (Col. 11 lines 44-63).

This reference discloses preventing arcing in both situations when the coil is energizing and deenergizing, since the arcing is present when the contacts are in close proximity whether they are opening or closing.

- Sellers teaches having a first and a second Zener diodes connected in series (Fig. 3A element 44).
- E. D. Long teaches a reference voltage that is obtained at a node between two Zener diodes, signal that is connected to a switch (Fig. 5 elements 92, 94, Q1 & Col. 4 lines 19-39).

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The references do not disclose

- the first Zener diode providing a reference voltage generated by the de-energization of the coil.  
Required by claims 1, 12 & 18.
- current flow to the driver is prevented in response to energization of the coil.  
Required by claim 1.
- the voltage reference device prevents current flow to the actuation circuit in response to energization of the coil.  
Required by claim 12.
- The energy dissipation prevents current flow to the driver in response to energization of the coil.

As a result for claims 1, 4, 7-12 & 15-22 the allowability resides, at least in part, in the above-described limitations, in combination with the other elements of each of the claims, which has not been disclosed in or rendered obvious by the Prior Art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luis E. Román whose telephone number is (571) 272 – 5527. The examiner can normally be reached on Mon – Fri from 7:15 AM to 3:45 PM.

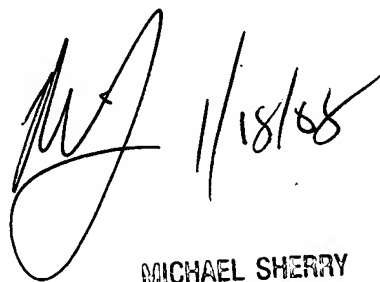
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571) 272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from Patent Application Information Retrieval (PAIR) system.

Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luis E. Román  
Patent Examiner  
Art Unit 2836

LR/112607



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